

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

BONNIE M. FLORES,

Plaintiff,

vs.

**FAMILY DOLLAR STORES OF TEXAS,
LLC,**

Defendant.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 2:21-cv-54

Jury Demand

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS:

I.
COURT AND PARTY INFORMATION

1. FAMILY DOLLAR STORES OF TEXAS, LLC ("Defendant" or "Family Dollar") is the defendant in a civil action commenced on February 12, 2021 in the County Court at Law No. 1, Nueces County, Texas, entitled *Bonnie M. Flores v. Family Dollar Stores of Texas, LLC*, Cause No. 2021CCV-60186-1 ("State Court Action"). Copies of the (1) Court Docket Sheet; (2) Plaintiff's Original Petition; (3) Citation to Family Dollar Stores of Texas, LLC; (4) Return of Service; and (5) Defendant's Original Answer are attached hereto and constitute all process, pleadings and orders served in the State Court Action. *See* Index of State Court Documents attached hereto. The address for the County Court at Law No. 1, Nueces County, Texas is as follows: Nueces County Courthouse, 901 Leopard Street, Corpus Christi, Texas 78401, Room 701.

2. Plaintiff in the State Court Action is Bonnie M. Flores ("Plaintiff"). Plaintiff is

represented by Jeffrey W. Schmidt (Texas Bar No. 00784923) of Bandas Law Firm, P.C., 802 N. Carancahua, Suite 1400, Corpus Christi, Texas 78401, (361) 698-5200, jschmidt@bandaslawfirm.com. Family Dollar Stores of Texas, LLC is the defendant in the State Court Action and is represented by Kenneth C. Riney (Texas Bar No. 24046721) and Clayton S. Carter (Texas Bar No. 241020750) of Kane Russell Coleman Logan PC, 901 Main Street, Suite 5200, Dallas, Texas 75202, (214) 777-4200, kriney@krcl.com, ccarter@krcl.com.

II.

STATE COURT ACTION

3. Plaintiff claims that on or about October 23, 2019, she was injured when she was shopping at the Family Dollar Store located at 3401 Ayers Street, Corpus Christi, Texas 78415, and was physically attacked by a Family Dollar employee.

4. Family Dollar requested a trial by jury in the State Court Action, and the jury fee has been paid.

III.

GROUND FOR REMOVAL

5. Defendant files this Notice of Removal on the grounds of diversity jurisdiction under 28 U.S.C. § 1332(a). A suit may be removed from state court to federal court on the grounds of diversity jurisdiction when the suit involves a controversy between citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

6. Except as otherwise expressly provided by an Act of Congress, any civil action brought in a state court of which the district courts of the United States have original jurisdiction may be removed to the district court of the United States for the district and division embracing the place where the action is pending. *See* 28 U.S.C. § 1441. The Corpus Christi Division of the Southern District of Texas is the United States district and division embracing Nueces County,

Texas, the county in which the State Court Action is pending.

A. This Notice of Removal is timely filed.

7. The citation and petition in this action were served on Defendant's on February 25, 2021, by serving Defendant's registered agent. This Notice of Removal is filed within thirty (30) days of receipt of the citation and petition and is, therefore, timely filed pursuant to U.S.C. § 1446(b).

B. Complete diversity exists between the parties properly joined.

8. This is a civil action that falls under the Court's original jurisdiction pursuant to 28 U.S.C. § 1332(a) and is one that may be removed to this Court based on diversity of citizenship in accordance with 28 U.S.C. §§ 1441 and 1446. Complete diversity exists in this case because Plaintiff and Defendant are citizens of different states.

(i) Plaintiff

9. As stated in Plaintiff's Original Petition, Plaintiff is a resident of Nueces County, Texas. Thus, Plaintiff is now and was at the time this action was commenced, a citizen of the State of Texas.

(ii) Defendant

10. Defendant is a foreign limited liability company whose sole member is Family Dollar Stores of Ohio, Inc., a foreign corporation formed under the laws of the Commonwealth of Virginia with its principal place of business in the Commonwealth of Virginia. Thus, Defendant Family Dollar is now and was at the time this action was commenced a citizen of the Commonwealth of Virginia and of no other state.

11. As Plaintiff is a citizen of the State of Texas and not of the Commonwealth of Virginia, complete diversity exists pursuant to 28 U.S.C. § 1332.

C. The amount in controversy requirement is satisfied.

12. As reflected in Plaintiff's Original Petition, the amount in controversy in this action, exclusive of interest and costs, exceeds the sum of \$75,000. Specifically, as explicitly stated in Plaintiff's Original Petition, Plaintiff seeks monetary relief of up to \$250,000.00 *See* Plaintiff's Original Petition, Section IV. Additionally, Plaintiff recently represented to Defendant that she is claiming \$95,652.00 in past and future medical expenses. Therefore, the estimate of damages that has been put at issue in this action by Plaintiff and the amount in controversy in this action exceeds \$75,000.

13. Removal of the State Court Action is proper pursuant to 28 U.S.C. § 1441, because it is a civil action brought in a state court, and the federal district courts have original jurisdiction over the subject matter under 28 U.S.C. § 1332(a) because Plaintiff and Defendant are diverse in citizenship.

WHEREFORE, Defendant Family Dollar Stores of Texas, LLC, pursuant to these statutes and in conformance with the requirements set forth in 28 U.S.C. § 1446, removes this action for trial from the County Court at Law No. 1, Nueces County, Texas to this Court on this 26 day of March, 2021.

Respectfully submitted,

KANE RUSSELL COLEMAN LOGAN PC

By: /s/ Kenneth C. Riney

Kenneth C. Riney
Attorney-in-Charge
State Bar No. 24046721
SDOT No. 1143239
E-Mail: kriney@krcl.com
Clayton S. Carter
State Bar No. 24120750
E-Mail: ccarter@krcl.com

901 Main Street, Suite 5200
Dallas, Texas 75202
Telephone: (214) 777-4200
Facsimile: (214) 777-4299

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 26th day of March, 2021, a copy of the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to counsel for Plaintiff by operation of the Court's electronic filing system, unless counsel for Plaintiff is not registered with the CM/ECF system, in which case the undersigned certifies that a copy of the foregoing document was sent to counsel for Plaintiff via certified mail, return receipt requested.

/s/ Kenneth C. Riney
Kenneth C. Riney

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

BONNIE M. FLORES,

Plaintiff,

vs.

**FAMILY DOLLAR STORES OF TEXAS,
LLC,**

Defendant.

§
§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 2:21-cv-54

Jury Demand

INDEX OF STATE COURT DOCUMENTS

	<u>DOCUMENT</u>	<u>DATE</u>
1.	Plaintiff's Original Petition	02/12/2021
2.	Nueces County Process Request Sheet	02/12/2021
3.	Return of Service on Defendant Family Dollar Stores of Texas, LLC	02/25/2021
4.	Nueces County Process Request Sheet	03/08/2021
5.	Defendant Family Dollar Stores of Texas, LLC's Original Answer	03/19/2021
6.	Civil Docket Sheet	

CAUSE NO. 2021CCV-60186-1**BONNIE M. FLORES,**
Plaintiff,

vs.

**FAMILY DOLLAR
STORES OF TEXAS, LLC**
Defendant.§
§
§
§
§
§
§
§**IN THE COUNTY COURT****AT LAW NO. _____****NUECES COUNTY, TEXAS****PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, BONNIE M. FLORES, hereinafter sometimes referred to as Plaintiff, and files this her Original Petition complaining of Defendant, Family Dollar Stores of Texas, LLC and in support would show the Court as follows:

I.
Discovery

Plaintiff intends that the discovery in this suit be conducted under Section 190.3 (Level 2) of the Texas Rules of Civil Procedure.

II.
Parties and Service

Plaintiff, Bonnie M. Flores, is a resident of Corpus Christi, Nueces County, Texas.

Defendant, Family Dollar Stores of Texas, LLC, is a Texas Limited Liability Company doing business in Texas and may be served by serving it's registered agent for service, CT Corporation System at 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

III.
Jurisdiction and Venue

Jurisdiction is proper in this Texas court because the amount of damages sought exceeds the minimum jurisdictional limits of this Court.

These claims do not raise any issues of federal question as Plaintiff expressly disavows any claims being made pursuant to federal law, treaties, or the United States Constitution.

Pursuant to §15.002(a)(1) of the Texas Civil Practice and Remedies Code, venue is proper in Nueces County, Texas, as it is the county in which all or a substantial part of the events or omissions giving rise to this claim occurred.

**IV.
Amount sought by Plaintiff**

Plaintiff seeks monetary relief of \$250,000.00 or less for her damages, excluding interest, statutory or punitive damages and penalties, and attorney fees and costs.

**V.
Facts**

On October 23, 2019, Plaintiff Bonnie M. Flores was an invitee at the Family Dollar store #12128 located at 3401 Ayers Street in Corpus Christi, Nueces County, Texas. Plaintiff was attempting to pay for the items she chose when the female employee behind the counter argued with her over coupons and suddenly spit on her and struck Plaintiff in the eye. Defendant's employee then proceeded to follow Plaintiff outside into the parking lot where she continued her physical attack on Plaintiff as well as threatening Plaintiff with future harm. Plaintiff sustained significant injuries as a result of the physical attack and verbal threats against her.

**VI.
Respondeat Superior**

The Defendant named herein at all times acted through their agents, servants and employees and are therefore liable for their negligent acts and omissions under the doctrine of respondeat superior.

**VII.
Causes of Action**

Negligent Hiring: Defendant was negligent in the hiring of the employee who assaulted Plaintiff. Defendant knew, or reasonably should have known through reasonable inquiry, of the danger posed to invitees by allowing the offending employee interaction with customers. Defendant was negligent in hiring the offending employee for a position that required interaction with customers. Defendant failed to exercise ordinary care to protect Plaintiff from the danger, by both negligently hiring the employee and by allowing the employee to interact with Plaintiff.

Negligent Training: Defendant was negligent in their training of their employee. Defendant should train all their employees how to properly interact with customers. Defendant should train all their employees that it is not permissible to argue with, spit upon, physically assault or verbally threaten customers. Defendant failed to exercise ordinary care to protect Plaintiff from the danger, by negligently failing to properly train their employee regarding proper and permissible customer interaction.

Negligent Supervision: Defendant was negligent in their supervision of their employee. Defendant should not have allowed the situation between Plaintiff and their employee to escalate to the point their employee spit on, physically assaulted and verbally threatened Plaintiff. Defendant failed to exercise ordinary care to protect Plaintiff from the danger, by negligently supervising the conduct and interaction of their employee with Plaintiff.

As a result of Defendant acts of negligence as set out above, Plaintiff suffered significant injuries.

VIII. Causation

The incident made the basis of this suit, and the resulting injuries and damages to Plaintiff Bonnie M. Flores, were proximately caused by the negligent acts of omission and/or commission of the Defendants, their agents, servants and/or employees who were acting within the course and scope of their employment.

IX. Damages

Plaintiff has sustained, and will continue to sustain in the future, the following damages:

- a. physical pain and mental anguish;
- b. loss of earning capacity;
- c. physical impairment;
- d. reasonable expenses of necessary medical care; and
- e. disfigurement.

**X.
Jury Demand**

Pursuant to Tex. R. Civ. P. 216, Plaintiff respectfully demands trial by jury and has tendered the jury fee along with the filing fee in this cause.

**XI.
Prayer**

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendant be cited to appear and answer herein and that on final trial hereafter, that Plaintiff have:

1. judgment against Defendant in an amount within the jurisdictional limits of this Court;
2. pre-judgment and post-judgment interest as allowed by law;
3. costs of suit; and
4. such other and further relief to which Plaintiffs may be justly entitled by law and equity.

Respectfully submitted,

By: */s/ Jeffrey W. Schmidt*
Jeffrey W. Schmidt
Texas State Bar No. 00784923
BANDAS LAW FIRM, P.C.
802 N. Carancahua, Ste. 1400
Corpus Christi, Texas 78401

Telephone: (361) 698-5200

Facsimile: (361) 698-5222

E-mail: jschmidt@bandaslawfirm.com

ATTORNEY FOR PLAINTIFF

NUECES COUNTY PROCESS REQUEST SHEET

901 LEOPARD STREET ROOM 313 / CORPUS CHRISTI, TEXAS 78401

PHONE # 361-888-0450 / FAX # 361-888-0424

FAILURE TO INCLUDE ALL REQUIRED INFORMATION IS CAUSE FOR A REJECTION**FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING.****ALL HIGHLIGHTED SECTIONS MUST BE COMPLETED OR YOUR SERVICE REQUEST WILL NOT BE PROCESSED****CAUSE NUMBER:** 2021CCV-60186-1

<- Can be left blank if filing new case ->

CURRENT COURT: _____**DATE OF REQUEST:** _____**AMOUNT PAID:** _____**SERVICE WILL ONLY BE ISSUED UPON PAYMENT OF COST!****TYPE OF PROCESS(ES) TO BE ISSUED** (Citation, Show Cause, Precept, TRO, Writ of ____, etc.)

_____**NAME OF DOCUMENT(S)/PLEADING(S) TO BE SERVED**

_____**SERVICE BY:**☐ PICK UP BY (Select One) ☐ RETURN TO FILER BY MAIL ☐ CONSTABLE / SHERIFF ☐ NO SERVICE☐ CIVIL PROCESS SERVER: _____ PHONE: _____☐ ATTORNEY/REPRESENTATIVE: _____ PHONE: _____☐ CERTIFIED MAIL ☐ RESTRICTED DELIVERY☐ COURTHOUSE POSTING # OF DAYS TO BE POSTED: _____***NATURE OF SUIT (USE REVERSE SIDE)**☐ PUBLICATION** NAME OF NEWSPAPER: _____

OF DAYS TO BE PUBLISHED: _____

NATURE OF SUIT (USE REVERSE SIDE)***NCSO WILL ONLY SERVE TO THE FOLLOWING NEWSPAPERS: CORPUS CHRISTI CALLER TIMES, COASTAL BEND DAILY BUSINESS & LEGAL NEWS, AND NUECES COUNTY RECORD STAR; ALL OTHER NEWSPAPERS MUST BE PICKED UP OR RETURNED TO THE FILER BY MAIL******PARTY/PARTIES TO BE SERVED:**[1] NAME/AGENT _____
ADDRESS _____[2] NAME/AGENT _____
ADDRESS _____[3] NAME/AGENT _____
ADDRESS _____[4] NAME/AGENT _____
ADDRESS _____**ATTORNEY OR PARTY REQUESTING ISSUANCE OF PROCESS:****NAME** _____ **ATTORNEY BAR #** _____**MAILING ADDRESS** _____**PHONE #** _____ **FAX #** _____**ATTORNEY REPRESENTS:** _____ **PLAINTIFF** _____ **DEFENDANT** _____ **OTHER** _____

Citation for Personal Service –RESIDENT

Original

Case Number: **2021CCV-60186-1**

THE STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

TO: **Family Dollar Stores Of Texas, LLC**
CT Corporation System
1999 Bryan St Ste 900
Dallas Tx 75201

the Defendant,

GREETING: You are commanded to appear by filing a written answer to the **Plaintiff's Original Petition With Attached Covid Standing Orders And Notice** at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service of this citation before the **Honorable Robert J. Vargas, County Court at Law #1** of Nueces County, Texas at the Courthouse of said County in Corpus Christi, Texas. Said **Petition** was filed on the 12th day of February, 2021. A copy of same accompanies this citation. The file number of said suit being Number: **2021CCV-60186-1**

The style of the case is: **Bonnie M. Flores vs. Family Dollar Stores of Texas, LLC**Said Petition was filed in said court by **Jeffrey W. Schmidt**, attorney for Plaintiff, whose address is 802 N Carancahua Ste 1400 Corpus Christi Tx 78401 .

The nature of the demand is fully shown by a true and correct copy of the Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly mail the same according to requirement of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said court at Corpus Christi, Texas, this 23rd day of February, 2021.



ANNE LORENTZEN, DISTRICT CLERK
NUECES COUNTY, TEXAS
901 LEOPARD STREET, ROOM 313
CORPUS CHRISTI, TEXAS 78401

Signed: 2/23/2021 02:24 PM
BY: Nadia Contreras, Deputy
Nadia Contreras

CAUSE NO.: 2021CCV-60186-1

BONNIE M. FLORES

VS.

FAMILY DOLLAR STORES
OF TEXAS, LLC

§
§
§
§
§
§
§

IN THE COUNTY COURT

NUECES COUNTY, TEXAS

COURT AT LAW #1

AFFIDAVIT OF SERVICE

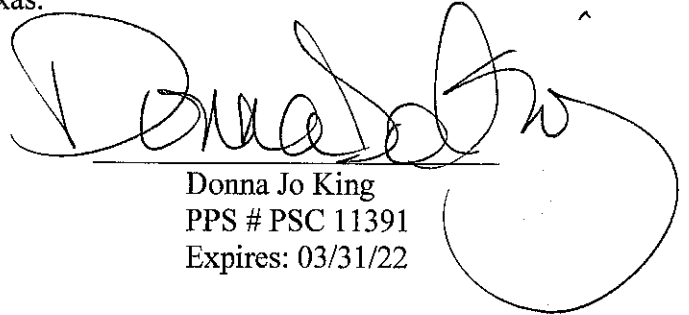
I, Donna Jo King, having been duly sworn do state that the following is true and correct:

That I am over the age of eighteen, not a party to this suit, and have no interest in the outcome of the suit. I have met the criteria and I am an approved Process Server authorized by the Supreme Court of the State of Texas and remain in good standing.

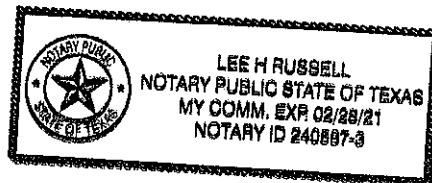
That on 24 February 2021 at 10:17 a.m. I received a Citation, Plaintiff's Original Petition with Attached Covid Standing Orders and Notice to be delivered Family Dollar Stores of Texas, LLC by delivery to its registered agent, CT Corporation System at 1999 Bryan Street Suite 900 Dallas, TX 75201 in Dallas County, Texas.

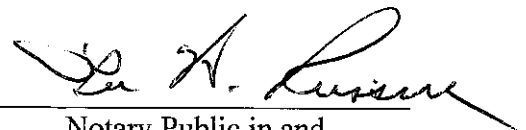
That on 25 February 2021 at 12:45 p.m. I delivered said documents to Family Dollar Stores of Texas, LLC by delivery to CT Corporation System as registered agent by leaving with Lindsey Barrientez, CT Corporation System's designated agent for service at 1999 Bryan St., Suite 900 Dallas, Texas 75201 in Dallas County, Texas.

Further the Affiant says not.


Donna Jo King
PPS # PSC 11391
Expires: 03/31/22

SUBSCRIBED AND SWORN TO BY Donna Jo King this the 25th day of February 2021, to attest witnesses my hand and seal of office.




Notary Public in and
For the State of Texas

NUECES COUNTY PROCESS REQUEST SHEET

901 LEOPARD STREET ROOM 313 / CORPUS CHRISTI, TEXAS 78401

PHONE # 361-888-0450 / FAX # 361-888-0424

FAILURE TO INCLUDE ALL REQUIRED INFORMATION IS CAUSE FOR A REJECTION**FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING.****ALL HIGHLIGHTED SECTIONS MUST BE COMPLETED OR YOUR SERVICE REQUEST WILL NOT BE PROCESSED****CAUSE NUMBER:** _____ <- Can be left blank if filing new case -> **CURRENT COURT:** _____**DATE OF REQUEST:** _____ **AMOUNT PAID:** _____**SERVICE WILL ONLY BE ISSUED UPON PAYMENT OF COST!****TYPE OF PROCESS(ES) TO BE ISSUED** (Citation, Show Cause, Precept, TRO, Writ of ____, etc.)

_____**NAME OF DOCUMENT(S)/PLEADING(S) TO BE SERVED**

_____**SERVICE BY:**☐ PICK UP BY (Select One) ☐ RETURN TO FILER BY MAIL ☐ CONSTABLE / SHERIFF ☐ NO SERVICE☐ CIVIL PROCESS SERVER: _____ PHONE: _____☐ ATTORNEY/REPRESENTATIVE: _____ PHONE: _____☐ CERTIFIED MAIL ☐ RESTRICTED DELIVERY☐ COURTHOUSE POSTING # OF DAYS TO BE POSTED: _____***NATURE OF SUIT (USE REVERSE SIDE)**☐ PUBLICATION** NAME OF NEWSPAPER: _____

OF DAYS TO BE PUBLISHED: _____

NATURE OF SUIT (USE REVERSE SIDE)***NCSO WILL ONLY SERVE TO THE FOLLOWING NEWSPAPERS: CORPUS CHRISTI CALLER TIMES, COASTAL BEND DAILY BUSINESS & LEGAL NEWS, AND NUECES COUNTY RECORD STAR; ALL OTHER NEWSPAPERS MUST BE PICKED UP OR RETURNED TO THE FILER BY MAIL******PARTY/PARTIES TO BE SERVED:** Family Dollar stores of Texas, LLC by serving through**[1] NAME/AGENT** _____
ADDRESS _____**[2] NAME/AGENT** _____
ADDRESS _____**[3] NAME/AGENT** _____
ADDRESS _____**[4] NAME/AGENT** _____
ADDRESS _____**ATTORNEY OR PARTY REQUESTING ISSUANCE OF PROCESS:****NAME** _____ **ATTORNEY BAR #** _____**MAILING ADDRESS** _____**PHONE #** _____ **FAX #** _____**ATTORNEY REPRESENTS:** _____ **PLAINTIFF** _____ **DEFENDANT** _____ **OTHER** _____

CAUSE NO. 2021CCV-60186-1

BONNIE M. FLORES,	§	IN THE COUNTY COURT
	§	
Plaintiff,	§	
	§	
vs.	§	AT LAW NO. 1
	§	
FAMILY DOLLAR STORES OF TEXAS,	§	
LLC,	§	
	§	
Defendant.	§	NUECES COUNTY, TEXAS

DEFENDANT FAMILY DOLLAR STORES OF TEXAS, LLC'S ORIGINAL ANSWER

COMES NOW FAMILY DOLLAR STORES OF TEXAS, LLC ("Defendant Family Dollar"), Defendant in the above-referenced cause, and files this, its Original Answer, and in support thereof would show the Court as follows:

I.
GENERAL DENIAL

Defendant Family Dollar places in issue all matters contained in Plaintiff's Original Petition and any amendments thereto, by general denial, pursuant to Rule 92 of the Texas Rules of Civil Procedure.

II.
JURY DEMAND

Defendant Family Dollar respectfully demands a trial by jury.

III.
OBJECTION TO DISCOVERY CONTROL PLAN

Defendant Family Dollar asserts that this suit is governed by a Level 1 Discovery Control Plan pursuant to Rule 190.2(a)(1) of the Texas Rules of Civil Procedure, rather than a Level 2 Discovery Control Plan as pleaded by Plaintiff, as this suit is governed by the expedited

actions process in Rule 169 of the Texas Rules of Civil Procedure as Plaintiff affirmatively pleaded that she seeks only monetary relief of under \$250,000.

IV.

Defendant Family Dollar alleges that the negligence, fault, responsibility, acts and/or omissions of other defendants, responsible third parties or other entities or persons bar in whole or in part Plaintiff's claims for damages from Defendant Family Dollar. Such negligence, fault, responsibility, acts and/or omissions on the part of others were either the sole proximate cause or a concurring cause of the occurrence and Plaintiff's damages, if any.

V.

Defendant Family Dollar alleges that the intervening and/or superseding negligence, fault and/or responsibility of other defendants, responsible third parties or other entities or persons proximately caused Plaintiff's damages, if any, and bar recovery of Plaintiff's damages, if any, from Defendant Family Dollar.

VI.

Defendant Family Dollar alleges that the new and independent acts and/or omissions of other defendants, responsible third parties or other entities or persons over which Defendant Family Dollar had no control and that were not reasonably foreseeable by Defendant Family Dollar, destroyed any alleged causal connection, if any, between the acts and/or omissions of which Plaintiff complains and the occurrence in question, thereby becoming the immediate cause of the occurrence and Plaintiff's damages, if any.

VII.

Defendant Family Dollar asserts that in accordance with Section 33.013 of the Texas Civil Practice & Remedies Code, this Defendant may not be held jointly and severally liable for

any amount of damages claimed herein unless the percentage of responsibility of this Defendant when compared with that of each responsible party, each settling person, and each responsible third party, is greater than fifty percent (50%).

VIII.

Defendant Family Dollar invokes the limitation on liability for medical or health care expenses as provided by section 41.0105 of the Texas Civil Practice and Remedies Code. Specifically, Plaintiff is limited to recovery of medical or health care expenses actually paid or incurred by or on behalf of Plaintiff, not to include amounts adjusted, discounted or written-off, as reflected in Plaintiff's medical billing records that are produced in this matter.

IX.

Defendant Family Dollar asserts that Plaintiff's damages with respect to loss of earnings and/or loss of earning capacity, if any, are limited to a net loss after reduction for income tax payments or unpaid tax liability pursuant to any federal income tax law, pursuant to section 18.091 of the Texas Civil Practice and Remedies Code.

X.

Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Defendant Family Dollar hereby places the parties to this suit on notice of its intent to use all documents produced by the parties in response to written discovery in all pretrial proceedings and/or at trial of the above-entitled and numbered cause.

WHEREFORE, PREMISES CONSIDERED, Defendant Family Dollar prays that Plaintiff take nothing by her suit against Defendant Family Dollar, that Defendant Family Dollar recover all costs, and for such other and further relief to which Defendant Family Dollar may show itself to be justly entitled, both at law and in equity.

Respectfully submitted,

KANE RUSSELL COLEMAN LOGAN PC

By: /s/ Kenneth C. Riney

Kenneth C. Riney

State Bar No. 24046721

E-Mail: kriney@krcl.com

Clayton S. Carter

State Bar No. 24120750

E-Mail: ccarter@krcl.com

901 Main Street, Suite 5200

Dallas, Texas 75202

Telephone: (214) 777-4200

Facsimile: (214) 777-4299

**ATTORNEYS FOR DEFENDANT
FAMILY DOLLAR STORES, INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of foregoing has been served on the 19th day of March 2021, as follows:

VIA E-SERVICE: jschmidt@bandaslawfirm.com

Jeffery W. Schmidt

BANDAS LAW FIRM, P.C.

802 N. Carancahua, Suite 1400

Corpus Christi, TX 78401

/s/ Kenneth C. Riney

Kenneth C. Riney

[Skip to Main Content](#) [Logout](#) [My Account](#) [Search Menu](#) [New Civil & Family Search](#) [Refine Search](#) [Back](#)
Location : All Courts [Help](#)**REGISTER OF ACTIONS**

CASE NO. 2021CCV-60186-1

Bonnie M. Flores vs. Family Dollar Stores of Texas, LLC

§
§
§
§
§

Case Type: Injury or Damage - Other

Date Filed: 02/12/2021

Location: CCAL1

PARTY INFORMATION

Defendant Family Dollar Stores of Texas, LLC

Attorneys
Kenneth C Riney
Retained
214-777-4200(W)

Plaintiff Flores, Bonnie M.

Jeffrey W. Schmidt
Retained
361-698-5200(H)**EVENTS & ORDERS OF THE COURT****OTHER EVENTS AND HEARINGS**

02/12/2021	Original Petition (OCA)		
02/12/2021	Original Petition Documents E-filed		
	<i>Plaintiff's Original Petition</i>		
02/12/2021	Service Request Information Sheet		
	<i>Service Requested (See Attached Notation)</i>		
02/12/2021	Jury Fee Paid		
02/23/2021	Citation		
	Family Dollar Stores of Texas, LLC	Served	02/25/2021
		Response Due	03/22/2021
		Returned	02/25/2021
02/25/2021	Proof of Service		
	<i>Citation With Return of Service Family Dollar Stores of Texas, LLC</i>		
03/08/2021	Service Request Information Sheet		
	<i>Process Request Sheet</i>		
03/19/2021	Original Answer		
	<i>Defendant Family Dollar Stores of Texas, LLC's Original Answer</i>		
03/23/2021	Jury Fee Paid		
03/24/2021	Citation		
	Family Dollar Stores of Texas, LLC	Unserved	

FINANCIAL INFORMATION

	Defendant Family Dollar Stores of Texas, LLC		
	Total Financial Assessment		40.00
	Total Payments and Credits		40.00
	Balance Due as of 03/26/2021		0.00
03/23/2021	Transaction Assessment		40.00
03/23/2021	E-file Payment Receipt # 2021-3197-DCCLK	Family Dollar Stores of Texas, LLC	(40.00)
	Plaintiff Flores, Bonnie M.		
	Total Financial Assessment		380.00
	Total Payments and Credits		380.00
	Balance Due as of 03/26/2021		0.00
02/17/2021	Transaction Assessment		368.00
02/17/2021	E-file Payment Receipt # 2021-1752-DCCLK	Flores, Bonnie M.	(368.00)
03/15/2021	Transaction Assessment		12.00
03/15/2021	E-file Payment Receipt # 2021-2709-DCCLK	Flores, Bonnie M.	(12.00)